

APPEAL NO. 042499  
FILED NOVEMBER 1, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 3, 2004. The hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not include a disc protrusion at L5-S1.

The claimant appealed on a sufficiency of the evidence basis, asserting that his lumbar disc protrusion was caused by the compensable injury. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained multiple injuries, including a lumbar strain/sprain on \_\_\_\_\_. Initial medical records do not mention low back complaints. The first mention of low back pain was in the record of the treating chiropractor on August 12, 2002. An MRI performed on September 25, 2003, showed the broad based disc protrusion at L5-S1 at issue here. The hearing officer commented that in light of the delayed onset of symptoms the claimant failed to prove by a preponderance of the credible evidence that the fall at work on \_\_\_\_\_, caused the disc bulge at L5-S1.

The issue of whether the compensable injury included the complained-of disc protrusion presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge